

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY ALLEN PRESSLER,

Plaintiff

Case No. 3:20-cv-00670-GMN-CLB

ORDER

v.

COUNTY OF ELKO et al.,

Defendants

I. DISCUSSION

Defendant Elko County has filed a petition for removal and request for consolidation. (ECF No. 1 at 1). In the petition for removal, Defendant has attempted to remove three different state court actions initiated by the same Plaintiff into this one federal case. (*Id.* at 2-4). Additionally, Defendant requests that the Court screen all three operative complaints in the three different state court actions¹ and suggests that the Court consolidate all three of these cases into one action in federal district court. (*Id.*)

The Court finds that the instant case has been opened in error. Defendant is attempting to remove three state court actions into one federal action and is attempting to consolidate these actions on its own. The removal statutes permit defendants to remove one “civil action” at a time to federal court. See *generally* 28 U.S.C. § 1441(a). Moreover, it is the purview of this Court, and not the Defendant, to decide whether to consolidate multiple actions. See Fed. R. Civ. P. 42. Accordingly, the Court finds that Defendant has attempted to erroneously remove three state court actions into one case. The Court administratively closes this action, remands the cases back to state court, and directs Defendant to properly remove the state court actions individually before moving for consolidation.

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¹ See ECF Nos. 1-1, 1-3, 1-5.

II. CONCLUSION

DATED THIS 3 day of December 2020.